

Remarks/Arguments

Reconsideration of this application in view of the above amendment is respectfully requested.

Claims 1-6 are pending in this application.

Claim 1 has been amended to correct an antecedent problem by changing "shredder" in the last line to --topper/shredder element--.

Claims 1-3 are under a rejection based on 35 U.S.C. 102(b) as being anticipated by anyone of Quick, Ruback et al. and Makeham et al. It is respectfully submitted that this rejection is in error as none of these references disclose the claimed topper/shredder structure.

Specifically, among other structure, claim 1 requires a topper/**shredder** mounted for rotation about an upright axis, with the topper/shredder including a center support disposed along said axis, at least **two** topper/shredder disks **spaced** from each other along said axis and joined to said center support, and each shredder disk having a plurality of cutting blades joined to and projecting outwardly from spaced locations about its periphery, and at least one air-assist vane **extending between said at least two shredder disks** for generating a stream of air for aiding sideways discharge of shredded cane tops from said topper/shredder element.

Quick **does not disclose** a topper/shredder, but rather discloses only a topper arrangement. Specifically, Quick discloses a pair of topper assemblies respectively including first cutter disks 84 and 86 mounted on respective first upright axes, and second cutter disks 122 and 124 (FIG. 3) mounted on respective second upright axes where the rotate so as to respectively cooperate with the cutting blades 84 and 86 to effect cutting off of cane tops. No multiple cutting or shredding of the cane tops takes place, as is the case with applicant's claimed device which has **at least two shredder disks spaced along a single axis**. Since Quick does not have the required **at least two** shredder disks, it is clear then that Quick **does not have** the required air-assist vane **extending between** said at least two shredder disks.

As concerns Ruback et al., the structure disclosed therein is substantially the same as that disclosed in Quick and consequently suffers the same deficiencies as regards meeting the structure set forth in applicant's claim 1.

As concerns Makeham et al., **two** cutting blades 18, 20, **each mounted on its own upright axis**, are required to cooperate with each other for topping a cane

stalk (see FIGS. 1 and 2). **No shredding** function is performed since no further cutting blades are spaced along the upright axes about which the blades 18 and 20 rotate. Again, like Quick and Ruback et al., since Makeham et al. do not disclose spaced apart shredder blades, then there can be no air-assist vane **extending between the spaced apart shredder blades.**

In view of the above, claim 1 is thought allowable. Claims 2 and 3 depend from claim 1 and are likewise thought allowable.

Claim 2 is thought allowable for the additional reason that it requires upper, lower and intermediate shredder disks, with the air-assist vane including a first section extending between the upper and intermediate shredder disks and a second section extending between the lower and intermediate shredder disks, and none of the cited references have the required number of disks nor the required vane sections.

Claim 3 is thought allowable for the additional reason that it requires at least three air-assist vanes mounted between the at least two shredder disks and none of the cited references has a second shredder disk nor any vanes extending between two shredder disks.

The Examiner considers claims 4 and 5 to contain allowable subject matter, and since they depend either directly or directly from claim 1, they too are thought allowable.

Claim 6 is under a rejection based on 35 U.S.C. 102(b) as being anticipated by any one of Quick, Ruback et al. and Makeham et al. This claim is thought to be allowable for the reason that **none** of the cited patents **disclose** structure for **shredding** cane tops. As discussed above, each of Quick, Ruback et al. and Makeham et al. have structure capable of only topping the cane stalks. No shredding blades are present for cutting these tops into pieces. Applicant's invention relates to the idea of creating a stream of air for assisting the conveyance of cane top pieces to the side. The whole tops that result from the operation of the cited prior art devices cannot benefit from any air stream that might be generated by these devices since the tops are too heavy. They benefit more from being impelled by physical contact with the vanes and feeding parts of the prior art devices.

In conclusion, it is believed that this application is in condition for allowance, and such allowance is respectfully requested.

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Respectfully,



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